



राजपत्र, हिमाचल प्रदेश (असाधारण)

हिमाचल प्रदेश राज्यशासन द्वारा प्रकाशित

शिमला, शनिवार, 25 अगस्त, 1984/3 भाद्रपद, 1986

हिमाचल प्रदेश सरकार

निर्वाचन विभाग

अधिसूचना

शिमला-171 002, 23 जुलाई, 1984

संख्या 7-15/73-इलेक.—हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश पंचायतीराज अधिनियम, 1968 (1970 का अधिनियम 19) की धारा 163 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश जिला परिषद् (निर्वाचन) नियम, 1975 में एतद्वारा निम्नलिखित संशोधन, जिन्हें पहले हिमाचल प्रदेश के (असाधारण) राजपत्र दिनांक 3 मार्च, 1984 के अंक में प्रकाशित किया गया था और जिनके सम्बन्ध में प्राप्त आक्षेपों पर विचार करने के पश्चात्, करने के सहर्ष आदेश देते हैं।

1. **Short title and commencement.**—(1) These rules shall be called the Himachal Pradesh Zila Parishads (Elections) (First Amendment) Rules, 1984.

(2) They shall come into force at once.

2. **Amendment of rule 18.**—In rule 18 of the Himachal Pradesh Zila Parishads (Elections) Rules, 1975 (hereinafter called the "said rules") for the word "balloting" the word "marking" shall be substituted.

3. **Substitution of rule 24.**—For the existing rule 24 of the said rules, the following rule 24 shall be substituted, namely:—

"Immediately before the commencement of the poll, the Presiding Officer shall demonstrate

to the candidates and the election agents present that the ballot box is empty and bears labels both inside and outside containing the following particulars:—

- (a) the serial number, if any, and name of the Panchayat Samiti along with the name of Zila Parishad;
- (b) the serial number and name of polling station;
- (c) serial number of ballot box (to be filled in at the end of the poll on label outside the ballot box); and
- (d) the date of poll."

4. Substitution of rule 27.—For the existing rule 27 of the said rules, the following rule 27 shall be substituted, namely:—

"27. (1) As soon as the elector enters the polling station, the Polling Officer-in-Charge of the electoral rolls shall ascertain the elector's name and address and such other particulars as appears on the electoral roll by reading loudly so that the candidates or their agents may listen the particulars and if there is no challenge, as regards the identity of the elector, the Presiding Officer-in-charge of the ballot papers after putting his signatures in full with date on its back, shall supply to the elector a ballot paper. The Presiding Officer-in-charge of the ballot papers at the time of delivery of ballot paper shall underline the name entry in the marked copy of electoral roll and record from there the serial number of the elector on the counterfoil of the ballot paper;

Provided that no other person at the polling station shall note down the serial number of the ballot paper issued to a particular elector.

(2) On receiving the ballot paper and the instrument for marking the vote, the elector shall forthwith—

- (a) proceed to the voting compartment;
 - (b) make a mark on the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate for whom he intends to cast his vote;
 - (c) fold the ballot paper so as to conceal his vote;
 - (d) insert the folded ballot paper into ballot box; and
 - (e) quit the polling station.
- (3) No elector shall remain inside the voting compartment for more than the time reasonably required to mark the ballot paper."

5. Substitution of rule 28.—For the existing rule 28 of the said rules, the following rule 28 shall be substituted, namely:—

"28. (1) If the Presiding Officer is satisfied that owing to blindness or other physical infirmity an elector is unable to recognise the symbol on the ballot paper or to make a mark thereon without assistance, the Presiding Officer shall permit the elector to take with him a companion of not less than 18 years of age to the voting compartment for recording the vote on the ballot paper on his behalf and in accordance with his wishes:

Provided that no person shall be permitted to act as the companion of more than one elector at any polling station on the same day:

Provided further that before any person is permitted to act as the companion of an elector on any day under this rule, the person shall be required to declare in writing that he will keep secret the vote recorded by him on behalf of the elector and that he has not already acted as the companion of any other elector at any other polling station on that day.

(2) The Presiding Officer shall keep a brief record of all such instances."

1. **Omission of rules 31 and 32.**—Rules 31 and 32 of the said rules, along with their headings, shall be omitted.

7. **Substitution of rule 33.**—For the existing rule 33 of the said rules, the following rule 33 shall be substituted, namely:—

“33. The Presiding Officer, at the conclusion of the poll, shall keep in separate covers, which shall be sealed, the following papers:—

- (1) marked copy of electoral roll;
- (2) other copies of electoral roll;
- (3) list of challenged votes;
- (4) ballot paper account;
- (5) un-used ballot papers with counterfoils;
- (6) cancelled ballot papers including returned ballot papers;
- (7) counterfoils of used ballot papers; and
- (8) other miscellaneous record prepared by the Presiding Officer including appointment of agent etc. or as directed by the Director of Elections (Local Bodies).”

8. **Substitution of rule 38.**—For the existing rule 38 of the said rules, the following rule 38 shall be substituted, namely:—

“38. (1) The Returning Officer/Assistant Returning Officer on the date, time and place fixed under rule 10 shall start the counting of votes in the following manner:—

- (i) take out the ballot box and allow an opportunity to candidates or their election agents to inspect the ballot box and the seals to satisfy themselves that they are intact;
- (ii) after each ballot box is opened, the candidates or election agents, who may be present shall be allowed to inspect the ballot box and satisfy themselves that it bears the proper label inside the ballot box;
- (iii) the ballot papers in each box will be taken out and the empty ballot box be shown to the candidates or election agents for their satisfaction that no ballot paper has been left in the box; and
- (iv) the ballot papers taken out of each box shall be sorted out candidate-wise and counted after tallying with the ballot paper account.

(2) The Returning Officer/Assistant Returning Officer shall reject a ballot paper:—

- (a) if votes are given in favour of more than one candidate; or
- (b) if it bears any mark, or writing by which the elector can be identified; or
- (c) if no vote is recorded thereon; or
- (d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful to which candidate the vote has been given; or
- (e) if it is spurious ballot paper; or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper cannot be established; or
- (g) if it bears a serial number or is of a design different from the serial number, or as the case may be, design of ballot paper authorised for use at the polling station:

Provided that a ballot paper shall not be rejected merely on ground that the mark indicating the vote is indistinct or made more than once, if the intention, that the vote shall be for particular candidate clearly appears from the way the paper is marked.

- (3) The Returning Officer/Assistant Returning Officer before rejecting any ballot paper under sub-rule (2) shall allow each candidate, and the election agent present, a reasonable opportunity to inspect ballot paper but shall not allow him to handle it or any other ballot paper.
- (4) The Returning/Assistant Returning Officer shall record on every ballot paper which he rejects the letter 'R' and the grounds of rejection in brief in own hand with his initial.
- (5) All ballot papers rejected under this rule shall be bundled together.
- (6) After counting of all the votes of a candidate is completed, the Returning Officer/Assistant Returning Officer shall fill in Part-II—Result of counting in Form-VIII against the name of the candidate.
- (7) After completing the counting of votes of all the candidates in a Panchayat Samiti, the Returning Officer/Assistant Returning Officer shall sign the ballot paper account."

9. Substitution of rule 41.—For the existing rule 41 of the said rules, the following rule 41, shall be substituted, namely:—

- "41. After the result is declared, the Returning/Assistant Returning Officer shall keep candidate-wise valid ballot papers in bundles together with the bundle of rejected ballot papers in a separate packet outside of which the particulars of such a document shall be recorded, i.e. name of Panchayat Samiti, place and date of counting and shall be sealed with his seal."

10. Amendment of rule 47.—In rule 47 of the said rules,—

- (i) In the existing clause (ii) the words, the Roman figure and the sign comma "in Form V appended to these rules" appearing between the words "contesting candidates" and "in alphabetical order" shall be omitted.
- (ii) For the existing sub-clauses (b), (c) and (d) of clause (iii), the following sub-clauses (b), (c) and (d) shall be substituted, namely:—
 - "(b) the voter on receipt of the ballot paper shall enter the voting compartment and mark the ballot paper with the instrument supplied for the purpose on or near the symbol of the candidate to whom he intends to vote;
 - (c) after the voter has marked the ballot paper he shall fold the ballot paper so as to conceal his vote;
 - (d) after the voter has marked and folded the ballot paper he shall insert the ballot paper into the ballot box and quit the polling station."
- (iii) After sub-clause (d) so substituted the following new sub-clause (e) shall be added, namely:—

"(e) the spoilt and returned ballot papers at such an election shall be dealt with the same manner as is prescribed in rule 30."

11. Substitution of rule 48.—For existing rule 48 of the said rules, the following rule 48 shall be substituted, namely:—

- "48. (1) After the voting is completed, the officer presiding over the meeting shall start the counting of votes in the following manner:—
- (i) take out all the ballot papers from the ballot box;
 - (ii) show the empty ballot box to the candidates for their satisfaction that no ballot paper is left in the ballot box;
 - (iii) sort out the ballot paper candidate-wise;
 - (iv) reject the ballot paper:—
 - (a) if votes are given in favour of more than one candidate; or
 - (b) if it bears any mark or writing by which the elector can be identified; or
 - (c) if no vote is recorded thereon; or

- (d) if the mark indicating the vote thereon is placed in such a manner as to make it doubtful as to which candidate the vote has been given; or
- (e) if it is spurious ballot paper; or
- (f) if it is so damaged or mutilated that its identity as a genuine ballot paper can not be established; or
- (g) if it bears a serial number or is of a design, different from the serial number or as the case may be, design of ballot papers authorised for use at elections:

Provided that a ballot paper shall not be rejected merely on ground that the mark indicating the vote is indistinct or made more than once, if the intention that the vote shall be for particular candidate clearly appears from the way the paper is marked;

- (v) before rejecting any ballot paper, allow each candidate, a reasonable opportunity to inspect a ballot paper but not allow him to handle it or any other ballot papers; or
- (vi) record on every rejected ballot paper the letter 'R' and the ground of rejection in brief; or
- (vii) bundle together all the rejected ballot papers; and
- (viii) compile the result and declare the candidate elected for the office of the Chairman in whose favour highest number of votes has been cast:

Provided further that where an equality of votes is found to exist between the candidates and the addition of one vote will entitle a candidate to be declared elected, the officer presiding shall decide by a lot forthwith and proceed as if the candidate on whom the lot falls has received an additional vote.

- (2) The provision of sub-rule (1) shall apply *mutatis-mutandis* in relation to the counting of votes at the election of Vice-Chairman.
- (3) After the result is declared, the officer presiding over the meeting shall keep candidate-wise valid ballot papers in bundles together with the bundle of rejected ballot papers in a separate packet outside which the full particulars of such documents shall be recorded and the packet sealed with his seal. All other papers relating to election shall also be kept in separate packets and the contents of each such packet shall be recorded thereupon. The officer presiding over the meeting shall, after completion of the election, deliver the entire record relating to such an election to the Deputy Commissioner or any other person authorised by him in writing for this purpose."

12. **Amendment of rule 63.**—In sub-rule (1) of rule 63 of the said rules, the figure, "51" shall be substituted for the figure, "52", appearing between the words "to" and "as the case may be."

13. **Amendment of rule 64.**—In rule 64 of the said rules—

- (a) the figure and brackets "(1)" appearing in first line before the words, "An election petition" shall be omitted;
- (b) for the words, "In the prescribed form" appearing between the words, "an affidavit in support" be substituted by the words and figures "in Form IX" shall be substituted; and
- (c) sub-rule (2) of rule 64 shall be omitted.

14. **Substitution of Form VII.**—For the existing Form VII to the said rules the following Form VII shall be substituted, namely:—

“FORM VII

[See rule 19(3), 38(7) and 39(5)]

PART I

BALLOT PAPER ACCOUNT

Election to the Zila Parishad from the.....
Panchayat Samiti of..... District.
Name of the Polling Station.....

	Serial number	Total number
1. Ballot papers received
2. Ballot papers not used
3. Ballot papers issued to voters
4. Ballot papers cancelled

Date.....

Signature of Presiding Officer.

PART II

RESULT OF COUNTING

Sr. No.	Name of candidate	No. of valid votes cast
1	2	3

1.

2

3.

4.

5.

etc.

Rejected ballot papers

Total No. of ballot papers

Date.....

Signature of Returning Officer
Assistant Returning Officer.

Strike out the portion which is not required.

PART III

DECLARATION OF RESULT

I declare that—

..... (Name)
of..... (address)
has been duly elected to fill the seat in the Zila Parishad from.....
Panchayat Samiti of..... district.

Place.....

Date.....

Returning Officer
Assistant Returning Officer."

15. Amendment of Form IX.—In Form IX to the said rules, for the words, "Magistrate of 1st Class/Commissioner of Oath" the words "Executive Magistrate" shall be substituted.

By order,
ATTAR SINGH,
Secretary (Elections).

